

AMENDED IN ASSEMBLY MAY 19, 2003

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 828**

**Introduced by Assembly Member Leno**

February 20, 2003

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An act to add Section 14299.5 to the Elections Code, relating to election day procedures.

### LEGISLATIVE COUNSEL'S DIGEST

AB 828, as amended, Leno. Elections: election day procedures.

Existing law requires an elections official to deliver additional ballots to a precinct that has an insufficient number of ballots.

This bill would require the elections official to establish and implement alternative voting procedures for use when electronic voting systems fail and when the elections official is unable to provide ballots to all voters on election day who are eligible to vote, as specified. By placing this additional requirement on the elections official, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14299.5 is added to the Elections Code,  
2 to read:  
3 14299.5. (a) Every elections official shall establish and  
4 implement alternative voting procedures for use:  
5 (1) In the event that electronic voting systems fail.  
6 (2) In the event that, notwithstanding Sections 14102 and  
7 14299, the elections official is unable to provide ballots to all  
8 voters entitled to vote who come to the polls to exercise their right  
9 to vote on election day.  
10 (b) An elections official may, in fulfilling his or her obligation  
11 under subdivision (a):  
12 (1) Authorize sample ballots to be used in the place of a ballot.  
13 (2) Provide an eligible voter with paper, a pen, and a sample  
14 ballot, and allow the eligible voter to cast his or her vote in writing.  
15 (c) A vote cast pursuant to subdivision (b) shall be placed in a  
16 provisional ballot envelope, and the provisional ballot envelope  
17 signed by the voter. Counting alternative ballots may be done in  
18 accordance with Sections 15210 and 15211.  
19 (d) The standards and procedures of any alternative voting  
20 procedure shall conform, ~~to the extent practicable,~~ to all applicable  
21 laws.  
22 SEC. 2. Notwithstanding Section 17610 of the Government  
23 Code, if the Commission on State Mandates determines that this  
24 act contains costs mandated by the state, reimbursement to local  
25 agencies and school districts for those costs shall be made pursuant  
26 to Part 7 (commencing with Section 17500) of Division 4 of Title  
27 2 of the Government Code. If the statewide cost of the claim for  
28 reimbursement does not exceed one million dollars (\$1,000,000),



- 1 reimbursement shall be made from the State Mandates Claims
- 2 Fund.

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